

AO 91 (Rev. 5/85) Criminal Complaint

FILED

United States District Court

OCT 11 2007

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

HENRY MAURICE HUNTER

CRIMINAL COMPLAINT

CASE NUMBER:

4-07-70600

WDR
EMC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 11, 2007 in Alameda County county, in the

Northern District of California defendant(s) did, (Track Statutory Language of Offense)

escape from the custody of the Attorney General of the United States, by his wilful failure during the course of an authorized and ordered furlough transfer from the United States Penitentiary at Victorville, California, to the halfway house of Cornell Corrections at 205 MacArthur Boulevard, Oakland, California, 94610, to report to said Cornell Corrections halfway house at that address and to remain within the extended limits of his confinement during his unescorted furlough transfer, all

in violation of Title 18 United States Code, Section(s) 751(a) and 4082(a)

I further state that I am a(n) Deputy U.S. Marshal and that this complaint is based on the following

Official Title

facts:

See Attached Affidavit of Deputy USM Jimmy A. Vestal

Maximum penalties: 5 year imprisonment, \$250,000 fine, 3 years supervised release, and \$100 special assessment.

NO BAIL ARREST WARRANT REQUESTED.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ NoApproved
As To
Form:

USA: GEORGE L. BEVAN JR.

Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

October 11, 2007
Date

at

San Francisco, CA

City and State

EDWARD M. CHEN, U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

Affidavit in Support of Criminal Complaint for Escape

I, Jimmy A. Vestal, declare and state the following:

1. I am employed as a Deputy United States Marshal, and have been so employed for the past approximately 12 years. My responsibilities include the transportation and management of federal prisoners.
2. This affidavit is in support of the issuance of a criminal complaint against **Henry Maurice Hunter** for escape in violation of 18 U.S.C. § 751(a) on or about July 11, 2007, by his willful failure during the course of an authorized and ordered furlough transfer from the United States Penitentiary at Victorville, California, to the halfway house of Cornell Corrections at 205 MacArthur Blvd, Oakland, California, 94610, to report to said Cornell Corrections halfway house at that address and to remain within the extended limits of his confinement during his unescorted furlough transfer, all in violation of 18 U.S.C. §§ 751 and 4082(a).
3. The provisions of 18 U.S.C. § 751 provides, inter alia, that whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the

custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, shall be fined under this title or imprisoned not more than five years.

4. The provisions of 18 U.S.C. § 4082(a) provide that the willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in Chapter 35 of this title.

Statement of Probable Cause

5. On or about November 29, 2006, Hunter was sentenced by United States District Judge William B. Shubb on his admission to a violation of his supervised release in CR-2:01CR00480-01 in the Eastern District of California. Hunter was ordered committed to the custody of the United States Bureau of Prisons ("BOP") to be imprisoned for a term of 10 months.

6. On or about January 8, 2007, Hunter was designated by BOP to serve his custody at the United States Penitentiary facility in Victorville, California.

7. On or about January 10, 2007, BOP assumed custody of Hunter from the United States Marshal in the Eastern District of California.

8. On or about June 26, 2007, the Warden at Victorville ordered that Hunter be transferred via a furlough transfer from Victorville to the halfway house at Cornell Corrections, located at 205 MacArthur Boulevard, Oakland, California 94610. The

transfer was ordered to be effective on July 10, 2007.

9. On or about June 22, 2007, Hunter signed a written "Understanding," on the bottom portion of his Furlough Application, acknowledging that he understood that if his application for furlough transfer were to be approved, he was "authorized to be only in the area of the destination shown above and at ordinary stopovers or points on a direct route to or from destination. I understand that my furlough only extends the limits of my confinement and that I remain in the custody of the Attorney of the United States. If I fail to remain within the extended limits of this confinement, it shall be deemed as escape from the custody of the Attorney General, punishable as provided in Section 751 of Title 18, United States Code."

5. In the foregoing paragraph, "destination shown above" is listed on the Furlough Application as 205 MacArthur Blvd, Oakland, California, 94610, which is the address of the Cornell Corrections halfway house.

6. Attached as Exhibit A is a copy of the BOP Notice of Escaped Federal Prisoner pertaining to the defendant, Henry Maurice Hunter. This Notice reflects that Hunter was released from Victorville pursuant to his furlough transfer on July 10, 2007 in a taxi cab which took him to the Victorville Greyhound bus station. The Notice further reflects that Hunter transferred in Los Angeles to another Greyhound bus which was to arrive in Oakland at 11:05 p.m. The Notice further reflects that the bus was delayed and did not arrive in Oakland until 8:30 a.m. on July 11, 2007. Hunter was not on the bus. For this

reason, as of July 11, 2007, BOP placed Hunter in escape status.

7. On September 17, 2007, Hunter was arrested by the Stockton Police Department in the area of a residential address in Stockton, and transported and booked into the County jail on the U.S. Marshal's hold for escape.

Conclusion

8. Based on the foregoing evidence, there is probable cause to believe that the defendant, Henry Maurice Hunter, escaped from the custody of the Attorney General of the United States, by his willful failure during the course of an authorized and ordered furlough transfer from the United States Penitentiary at Victorville, California, to the halfway house of Cornell Corrections at 205 MacArthur Blvd, Oakland, California, 94610, to report to said Cornell Corrections halfway house at that address and to remain within the extended limits of his confinement during his unescorted furlough transfer, all in violation of 18 U.S.C. §§ 751 and 4082(a).

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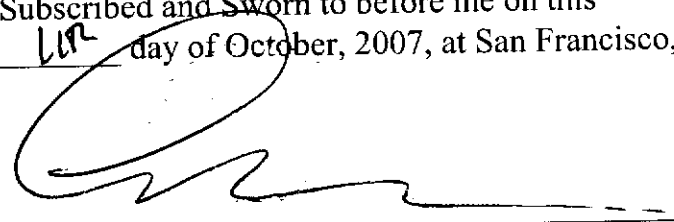
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9. Accordingly, I respectfully request the issuance of the accompanying criminal complaint, charging Hunter with escape in violation of 18 U.S.C. § 751(a), and the issuance of a no bail arrest warrant for the defendant, Henry Maurice Hunter, on this charge.



JIMMY A. VESTAL
Deputy United States Marshal

Subscribed and Sworn to before me on this
11th day of October, 2007, at San Francisco, Ca.




EDWARD M. CHEN
United States Magistrate Judge

FID#969437 / 0711-0712-0998-A

BP-5393.258 NOTICE OF ESCAPED FEDERAL PRISONER
U.S. DEPARTMENT OF JUSTICE

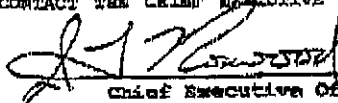
FEDERAL BUREAU OF PRISONS

Institution FEDERAL CORRECTIONAL COMPLEX, VICTORVILLE, CA				Date JULY 11, 2007		
Name HUNTER, Henry Maurice		Number 13351-097		Date of Birth 05-23-1971		Age 36
Sex MALE	Race BLACK	Height 5' 08"	Weight 165	Eyes BROWN	Hair BLACK	Place of Birth INDIANA
Citizenship UNITED STATES		Build MEDIUM		Home Address 8752 KELLEY DRIVE, STOCKTON, CA 95209		
Scars, Marks, Tattoos "CAROLEN" ON NECK; "MONASTIA" ON CHEST; "LINDA" ON LEFT FOREARM; "NRG" ON LEFT ARM (PER PST PREPARED BY USPO)				Occupation TRUCK DRIVER; HEATING AND AIR CONDITIONING TECHNICIAN		
Last Used Aliases MAURICE ANDRE; ANDRE CASTER; "NOMO"				F.B.I. No. 91125LA7		S.S.N. 488763301
Sentence 10 MONTHS Years/Mos./Days Offense: SUPERVISED RELEASE VIOLATOR ORIGINAL OFFENSE IS FALSE CLAIMS AGAINST THE UNITED STATES, AIDING & ABETTING				Original Arresting Agency: INTERNAL REVENUE SERVICE ON ORIGINAL OFFENSE; U.S. MARSHALS SERVICE, SACRAMENTO, CA, ON HIS VIOLATION. (PER USM-129)		
<div>Last Name HUNTER First Name HENRY Middle Name MAURICE Ht. 5' 8" Wt. 165 Hr. BLK Ey. BRO WHS# 13351-097 VIP</div> <div>07-11-2007  13351-097 HUNTER</div>				<p>Details of Escape: WAS TEMPORARILY RELEASED VIA UNSHORTED FURLOUGH TRANSFER TO REPORT TO A RESIDENTIAL RE-ENTRY CENTER. HE LEFT THE INSTITUTION ON 07-10-2007 IN A TAXI WHICH TOOK HIM TO THE VICTORVILLE, CA GREYHOUND BUS STATION. HE TRANSFERRED IN LOS ANGELES TO ANOTHER GREYHOUND BUS WHICH WAS TO ARRIVE IN OAKLAND AT 11:05 P.M. THE BUS WAS DELAYED AND DIDN'T ARRIVE IN OAKLAND UNTIL 8:30 A.M. ON 07-11-2007. HE WAS NOT ON THE BUS.</p> <p>Armed: <input type="checkbox"/> Yes; <input type="checkbox"/> No; <input checked="" type="checkbox"/> UNKNOWN</p> <p>Consider Dangerous: <input checked="" type="checkbox"/> Yes; <input type="checkbox"/> No</p> <p>Violent Behavior: <input checked="" type="checkbox"/> Yes; <input type="checkbox"/> No</p>		

SUBJECT TO THE CONDITIONS OF TITLE 28, PART 7, SECTION 7.1 - 7.5 OF THE CODE OF FEDERAL REGULATIONS, A STANDING OFFER TO REWARD IS MADE FOR THE CAPTURE, OR ASSISTANCE IN, OR FURNISHING INFORMATION LEADING TO THE CAPTURE OF AN ESCAPED FEDERAL PRISONER. THIS REWARD SHALL NOT BE IN EXCESS OF \$200 UNLESS SPECIFICALLY GRANTED BY THE DIRECTOR OF THE BUREAU OF PRISONS.

IF APPREHENDED, OR IF YOU HAVE INFORMATION CONCERNING THE PRISONER, WIRE OR TELEPHONE COLLECT THE NEAREST OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION (F.B.I.), OR CONTACT THE CHIEF EXECUTIVE OFFICER OF THIS FACILITY.

TELEPHONE NUMBER: (760) 530-5000
Area Code


Chief Executive Officer
Warden
Title

Ex. A